

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Sam Edward Jones, #161711,	)	
	)	C/A No.: 0:05-1630-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	
Jon Ozmint, Director, S.C. Dept. of	)	
Corrections; Gary Boyd, Senior Director,	)	<b>OPINION AND ORDER</b>
STOP Program; and Robert Gardner,	)	
Director, STOP Program,	)	
	)	
Defendants.	)	
	)	

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At the time of filing the complaint Plaintiff Sam Edwards Jones was an inmate in custody of the South Carolina Department of Corrections. He was housed at the Broad River Correctional Institution in Columbia, South Carolina. Plaintiff brought this action pursuant to 42 U.S.C. § 1983, asserting that, as an inmate in the “STOP Program” he was treated less favorably than inmates serving more than one year’s incarceration. According to Plaintiff, inmates not in the “STOP Program” were granted greater privileges with respect to smoking, access to the law library, access to the television, more recreation time, and higher spending limits in the canteen.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. The Magistrate Judge reviewed the petition pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A. On September 9, 2005, the Magistrate Judge filed a Report and Recommendation in which he recommended that the within action be dismissed without prejudice and without issuance and service of process. Plaintiff filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. For the reasons stated, the case is dismissed *without prejudice* and without issuance and service of process.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

October 6, 2005

Columbia, South Carolina

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**